

CONSERVATION AND ENVIRONMENT COMMITTEE AMENDMENT NO. 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2720*

House Bill No. 2687

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by adding the following language immediately preceding the enacting clause:

WHEREAS, the general assembly recognized that under current law, releases of petroleum are regulated under different Tennessee environmental statutes based on the source of the release and other factors; and

WHEREAS, the clean-up standards currently vary under these different statutes; and

WHEREAS, it is the intent of the general assembly to provide in this act for a consistent and uniform approach to the establishment of cleanup standards for petroleum releases, regardless of the source and date of the release; and

WHEREAS, the general assembly does not intend to expand the responsibilities of the division of underground storage tanks of the department of environment and conservation, the applicability of the petroleum underground storage tanks fund or eligibility for reimbursement therefrom, or the types or number of cases appearing before the board for review; now, therefore,

AND FURTHER AMEND by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-215-127, is hereby amended by adding the following language at the end of the provision:

Notwithstanding any provision of law to the contrary, all releases of petroleum or petroleum products that by request or directive of the department

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require a cleanup response under state law shall be solely and exclusively subject to the soil and groundwater classification and cleanup criteria promulgated hereunder. For purposes of the preceding sentence, the soil and groundwater classification and cleanup criteria shall refer to the procedures, methods and levels developed to determine appropriate cleanup levels for soil and groundwater, including without limitation, the classification of soil and groundwater by use, quality or other category, the manner of establishing a site-specific cleanup standard, and promulgated cleanup levels. The terms soil and groundwater classification and cleanup criteria, however, shall not include the procedures and methods of conducting an investigation, such as determining the extent of contamination, or a cleanup, such as the selection, design or implementation of a remedy. The soil and groundwater classification and cleanup criteria shall be applied by all the divisions of the department pursuant to the provisions of any applicable law.

Section 2 . This act shall take effect upon becoming a law, the public welfare requiring it.